

Published and Copyright (c) 1999 - 2012  
All Rights Reserved

Atari Online News, Etc.  
A-ONE Online Magazine  
Dana P. Jacobson, Publisher/Managing Editor  
Joseph Mirando, Managing Editor  
Rob Mahlert, Associate Editor

Atari Online News, Etc. Staff

Dana P. Jacobson -- Editor  
Joe Mirando -- "People Are Talking"  
Michael Burkley -- "Unabashed Atariophile"  
Albert Dayes -- "CC: Classic Chips"  
Rob Mahlert -- Web site  
Thomas J. Andrews -- "Keeper of the Flame"

With Contributions by:

Fred Horvat

To subscribe to A-ONE, change e-mail addresses, or unsubscribe,  
log on to our website at: [www.atarinews.org](http://www.atarinews.org)  
and click on "Subscriptions".  
OR subscribe to A-ONE by sending a message to: [dpj@atarinews.org](mailto:dpj@atarinews.org)  
and your address will be added to the distribution list.  
To unsubscribe from A-ONE, send the following: Unsubscribe A-ONE  
Please make sure that you include the same address that you used to  
subscribe from.

To download A-ONE, set your browser bookmarks to one of the  
following sites:

<http://people.delphiforums.com/dpj/a-one.htm>  
Now available:  
<http://www.atarinews.org>

Visit the Atari Advantage Forum on Delphi!  
<http://forums.delphiforums.com/atari/>

=~::~~::~=

~ ITU Standards for Web? ~ People Are Talking! ~ THQ Going Bankrupt!  
~ Instagram Controversy! ~ Google: No Apps for 8! ~ Chatwing Chat Widget!  
~ Judge to Newark: Give! ~ China Vows To Improve ~ EFF Patent Project!

~ Wells Fargo Web Woes! ~ Facebook Fights Demand ~ Buy Your Own Botnet?

```

- * UK Social Media Guidelines! *-
- * Amid Newtown Tragedy, Scams Creep In *-
- * Shooting Renews Debate Over Game Violence! *-

```

$$= \sim = \sim = \sim =$$

```
->From the Editor's Keyboard           "Saying it like it is!"
   " " " " " " " " " " " " " " " "
```

We're in the midst of the holiday season, but for the families of 27 innocent people, there will be little to celebrate this year in Newtown, Connecticut. There's little, if anything, that I can say that hasn't already been said about this insane tragedy.

Now comes the blame game. The anti-gun lobby and extremists are using this tragedy - as they have others - to politicize this. Their mantra is to blame it all on the NRA and other pro-gun groups. What a crock! Put the blame solely where it belongs: the person who was responsible for taking 27 lives. Why he did it, we will likely never know. To know why won't bring these victims back, nor would knowing likely have any effect on the next time.

So, this is the time to reflect on the holiday season - whichever one you believe in and celebrate. Additionally, spend a moment or two and think of what these poor families have to deal with these days, and those in the future.

All of us here at A-ONE wish you a terrific holiday season - a time to enjoy with your families and friends!

Until next time...

$$= \sim = \sim = \sim =$$

```
->In This Week's Gaming Section - Shooting Renews Argument Over Video-Game Violence!
    " """""""""""""""""""""""""""" THQ Files for Bankruptcy!
```

$$= \sim = \sim = \sim =$$

->A-ONE's Game Console Industry News - The Latest Gaming News!

## Shooting Renews Argument Over Video-Game Violence

In the days since the massacre at Sandy Hook Elementary School in Newtown, Conn., a shell-shocked nation has looked for reasons. The list of culprits cited include easy access to guns, a strained mental-health system and the "culture of violence" the entertainment industry's embrace of violence in movies, TV shows and, especially, video games.

"The violence in the entertainment culture particularly, with the extraordinary realism to video games, movies now, et cetera does cause vulnerable young men to be more violent," Sen. Joe Lieberman, I-Conn., said.

"There might well be some direct connection between people who have some mental instability and when they go over the edge they transport themselves, they become part of one of those video games," said Gov. John Hickenlooper of Colorado, where 12 people were killed in a movie theater shooting in July.

White House adviser David Axelrod tweeted, "But shouldn't we also quit marketing murder as a game?"

And Donald Trump weighed in, tweeting, "Video game violence & glorification must be stopped it is creating monsters!"

There have been unconfirmed media reports that 20-year-old Newtown shooter Adam Lanza enjoyed a range of video games, from the bloody "Call of Duty" series to the innocuous "Dance Dance Revolution." But the same could be said for about 80 percent of Americans in Lanza's age group, according to the Pew Internet and American Life Project. Law enforcement officials haven't made any connection between Lanza's possible motives and his interest in games.

The video game industry has been mostly silent since Friday's attack, in which 20 children and six adults were killed. The Entertainment Software Association, which represents game publishers in Washington, has yet to respond to politicians' criticisms. Hal Halpin, president of the nonprofit Entertainment Consumers Association, said, "I'd simply and respectfully point to the lack of evidence to support any causal link."

It's unlikely that lawmakers will pursue legislation to regulate the sales of video games; such efforts were rejected again and again in a series of court cases over the last decade. Indeed, the industry seemed to have moved beyond the entire issue last year, when the Supreme Court revoked a California law criminalizing the sale of violent games to minors.

The Supreme Court decision focused on First Amendment concerns; in the majority opinion, Justice Antonin Scalia wrote that games "are as much entitled to the protection of free speech as the best of literature." Scalia also agreed with the ESA's argument that researchers haven't established a link between media violence and real-life violence. "Psychological studies purporting to show a connection between exposure to violent video games and harmful effects on children do not prove that such exposure causes minors to act aggressively," Scalia wrote.

Still, that doesn't make games impervious to criticism, or even some

soul-searching within the gaming community. At this year's E3 the Electronic Entertainment Expo, the industry's largest U.S. gathering some attendees were stunned by the intensity of violence on display. A demo for Sony's "The Last of Us" ended with a villain taking a shotgun blast to the face. A scene from Ubisoft's "Splinter Cell: Blacklist" showed the hero torturing an enemy. A trailer for Square Enix's "Hitman: Absolution" showed the protagonist slaughtering a team of lingerie-clad assassins disguised as nuns.

"The ultraviolence has to stop," designer Warren Spector told the GamesIndustry website after E3. "I do believe that we are fetishizing violence, and now in some cases actually combining it with an adolescent approach to sexuality. I just think it's in bad taste. Ultimately I think it will cause us trouble."

"The violence of these games can be off-putting," Brian Crecente, news editor for the gaming website Polygon, said Monday. "The video-game industry is wrestling with the same issues as movies and TV. There's this tension between violent games that sell really well and games like 'Journey,' a beautiful, artistic creation that was well received by critics but didn't sell as much."

During November, typically the peak month for pre-holiday game releases, the two best sellers were the military shooters "Call of Duty: Black Ops II," from Activision, and "Halo 4," from Microsoft. But even with the dominance of the genre, Crecente said, "There has been a feeling that some of the sameness of war games is grating on people."

Critic John Peter Grant said, "I've also sensed a growing degree of fatigue with ultra-violent games, but not necessarily because of the violence per se."

The problem, Grant said, "is that violence as a mechanic gets old really fast. Games are amazing possibility spaces! And if the chief way I can interact with them is by destroying and killing? That seems like such a waste of potential."

There are some hints of a growing self-awareness creeping into the gaming community. One gamer Antwand Pearman, editor of the website GamerFitNation has called for other players to join in a "Day of Cease-Fire for Online Shooters" this Friday, one week after the massacre.

"We are simply making a statement," Pearman said, "that we as gamers are not going to sit back and ignore the lives that were lost."

#### THQ Files for Bankruptcy, Clearlake To Bid for Assets

Videogame maker THQ Inc said on Wednesday it filed for bankruptcy protection, and entered into an agreement with private investment firm Clearlake Capital Group for a potential sale of its assets, in a bid to tackle its financial troubles.

The assets to be sold include THQ's four studios and games in development. The filing was made in U.S. bankruptcy court in Delaware.

Shares of THQ, which were briefly halted before the announcement, plunged 74 percent to close at 36 cents on the Nasdaq on Wednesday.

"They're currently in default of one of their credit lines, so it's not a huge surprise," said Mike Hickey, analyst at National Alliance Capital Markets.

Product delays and poor-performing products in a videogame market that is struggling to reverse flagging sales "kind of circled in aggregate to lead to their demise," Hickey said.

The Agoura Hills, California-based company said Clearlake was a "stalking horse bidder" or a potential buyer chosen from a pool of bidders to make the first bid.

This "allows other interested parties to come forward with competing bids," THQ said in a statement.

Foreign operations, including Canada, are not part of the bankruptcy filing, the company said.

Hickey said larger game publishers like Electronic Arts Inc or Ubisoft Entertainment SA might take a look at some of THQ's studios or intellectual property.

Known for its wrestling and "Saints Row" games, THQ has been losing ground to Activision Blizzard Inc and other larger rivals. Stockholders approved a 1-for-10 reverse share split of common stock in late June to raise the share price and avoid delisting.

THQ also said it has commitments from Wells Fargo & Co and Clearlake for financing of approximately \$37.5 million, subject to approval from court.

THQ, which has cut staff and shut noncore businesses in an effort to revive its business, has studios in Austin, Texas, and Champaign, Illinois, as well as Canadian studios in Vancouver and Montreal.

Its studios and development teams will continue to operate during the sale process, the company said.

In a U.S. Securities and Exchange Commission filing last month, THQ said Wells Fargo warned the company on October 16 that it had borrowed beyond the limits of its loan terms.

THQ then made a \$5.6 million payment on the \$21 million that it had borrowed in the quarter ending September 30 in an attempt to regain compliance under its loan agreement. Wells Fargo then informed the company that it was in default under the terms of its credit facility, according to the filing.

The company announced late last month that Wells Fargo Capital Finance LLC had agreed to forgo action against the games publisher on any default on its \$50 million credit facility until January 15, 2013.

Executives announced on a November 5 earnings call that they were postponing the release of several titles including its "South Park" game, increasing the company's need for capital.

The company also has \$100 million in convertible notes that are due in August 2014.

THQ's market cap dropped about 72 percent to \$2.7 million on Wednesday.

=~==~==

A-ONE's Headline News  
The Latest in Computer Technology News  
Compiled by: Dana P. Jacobson

Amid Newtown Tragedy, Scam Artists Creep In

The family of Noah Pozner was mourning the 6-year-old, killed in the Newtown school massacre, when outrage compounded their sorrow.

Someone they didn't know was soliciting donations in Noah's memory, claiming that they'd send any cards, packages and money collected to his parents and siblings. An official-looking website had been set up, with Noah's name as the address, even including petitions on gun control.

Noah's uncle, Alexis Haller, called on law enforcement authorities to seek out "these despicable people."

"These scammers," he said, "are stealing from the families of victims of this horrible tragedy."

It's a problem as familiar as it is disturbing. Tragedy strikes be it a natural disaster, a gunman's rampage or a terrorist attack and scam artists move in.

It happened after 9/11. It happened after Columbine. It happened after Hurricane Katrina. And after this summer's movie theater shooting in Aurora, Colo.

Sometimes fraud takes the form of bogus charities asking for donations that never get sent to victims. Natural disasters bring another dimension: Scammers try to get government relief money they're not eligible for.

"It's abominable," said Ken Berger, president and CEO of Charity Navigator, which evaluates the performance of charities. "It's just the lowest kind of thievery."

Noah Pozner's relatives found out about one bogus solicitation when a friend received an email asking for money for the family. Poorly punctuated, it gave details about Noah, his funeral and his family. It directed people to send donations to an address in the Bronx, one that the Pozners had never heard of.

It listed a New York City phone number to text with questions about how to donate. When a reporter texted that number Wednesday, a reply came advising the donation go to the United Way.

The Pozner family had the noahpozner.com website transferred to its ownership. Victoria Haller, Noah's aunt, emailed the person who had originally registered the name. The person, who went by the name Jason

Martin, wrote back that he'd meant "to somehow honor Noah and help promote a safer gun culture. I had no ill intentions I assure you."

Alexis Haller said the experience "should serve as a warning signal to other victims' families. We urge people to watch out for these frauds on social media sites."

Consumer groups, state attorneys general and law enforcement authorities call for caution about unsolicited requests for donations, by phone or email. They tell people to be wary of callers who don't want to answer questions about their organization, who won't take "no" for an answer, or who convey what seems to be an unreasonable sense of urgency.

"This is a time of mourning for the people of Newtown and for our entire state," Connecticut Attorney General George Jepsen said in a statement this week. "Unfortunately, it's also a time when bad actors may seek to exploit those coping with this tragedy."

But scam artists know that calamity is fertile ground for profit, watered by the goodwill of strangers who want to help and may not be familiar with the cause or the people they're sending money to.

After the shootings at Columbine High School in Littleton, Colo., scammers asked for credit card donations for victims' families. After the 9/11 attacks, the North American Securities Administrators Association warned investors to be wary of Internet postings encouraging them to invest in supposed anti-terrorist technologies.

In 2006, the FBI warned about an email widely circulated after the Sago, W.Va., mine explosion, which claimed to be from a doctor treating one of the survivors and asking for donations to cover medical bills.

"As was learned after the tragic events of 9/11/01, the tsunami disaster, and more recently with Hurricane Katrina, unscrupulous cyber criminals have shown the desire and means to exploit human emotion by attempting to defraud the public when they are perceived to be most vulnerable," the FBI said at the time.

This fall, the police in Aurora, Colo., accused a local woman of trying to profit off the deadly movie theater rampage by a gunman who killed 12 people. The woman told people that she was the caretaker for a little girl named Kadence, whose mother had died in the shooting. The police said the child was made up. The scam unraveled when a donor got a phone call from what seemed to be a woman imitating a child's voice.

When the government doled out disaster aid after Hurricane Katrina, scammers asked for money to rebuild houses they never lived in or to pay benefits for relatives who never existed.

The government later set up the National Center for Disaster Fraud to try to root out such scams in the federal relief programs administered after Hurricanes Katrina, Rita and Wilma. It has since expanded its mandate to other disasters.

The cases brought since then by the Justice Department sketch a colorful picture of fraud:

A woman who filed for small-business disaster benefits after the 2010 Gulf Coast oil spill, even though she'd sold the business before the accident.

A judge and a commissioner in Texas who, after Hurricane Ike, were accused of awarding debris removal contracts to a company in return for kickbacks. The judge also commandeered a 155-kilowatt generator meant for the county to power his convenience store, according to the government.

A pastor who submitted inflated claims to a government-funded program that reimbursed groups sheltering Hurricane Katrina evacuees.

Bob Webster, spokesman for the NASAA, knows the sad pattern.

"We know cons try to cash in on headlines, and any who would even think about stooping to capitalize on the tragedy in Newtown are the lowest of the low," he said.

#### Internet Regulation Seen at National Level As Treaty Talks Fail

The world's major Internet companies, backed by U.S. policymakers, got much of what they wanted last week when many nations refused to sign a global telecommunications treaty that opponents feared could lead to greater government control over online content and communications.

In rejecting even mild Internet language in the updated International Telecommunications Union treaty and persuading dozens of other countries to refuse their signatures, the U.S. made a powerful statement in support of the open Internet, U.S. officials and industry leaders said.

But both technologists and politicians fear the Internet remains in imminent danger of new controls imposed by various countries, and some said the rift that only widened during the 12-day ITU conference in Dubai could wind up hastening the end of the Net as we know it.

"If the international community can't agree on what is actually quite a simple text on telecommunications, then there is a risk that the consensus that has mostly held today around Internet governance within (Web-address overseer) ICANN and the multi-stakeholder model just falls apart over time," a European delegate told Reuters. "Some countries clearly think it is time to rethink that whole system, and the fights over that could prove irresolvable."

An increasing number of nations are alarmed about Internet-based warfare, international cybercrime or internal dissidents' use of so-called "over-the-top" services such as Twitter and Facebook that are outside the control of domestic telecom authorities. Many hoped that the ITU would prove the right forum to set standards or at least exchange views on how to handle their problems.

But the United States' refusal to sign the treaty even after all mention of the Internet had been relegated to a side resolution may have convinced other countries that they have to go it alone, delegates said.

"This could lead to a balkanization of the Internet, because each country will have its own view on how to deal with over-the-top players and will regulate the Internet in a different way," said another European delegate, who would speak only on condition anonymity.

Without U.S. and European cooperation, "maybe in the future we could come

to a fragmented Internet," said Andrey Mukhanov, international chief at Russia's Ministry of Telecom and Mass Communications.

Spurred on by search giant Google and others, the Americans took a hard line against an alliance of countries that wanted the right to know more about the routing of Internet traffic or identities of Web users, including Russia, and developing countries that wanted content providers to pay at least some of the costs of transmission.

The West was able to rally more countries against the ITU having any Internet role than agency officials had expected, leaving just 89 of 144 attending nations willing to sign the treaty immediately. They also endorse a nonbinding resolution that the ITU should play a future role guiding Internet standards, along with private industry and national governments.

Some delegates charged that the Americans had planned on rejecting any treaty and so were negotiating under false pretenses. "The U.S. had a plan to try and water down as much of the treaty as it could and then not sign," the second European said.

Other allied delegates and a U.S. spokesman hotly disputed the claim. "The U.S. was consistent and unwavering in its positions," he said. "In the end and only in the end was it apparent that the proposed treaty would not meet that standard."

But the suspicion underscores the unease greeting the United States on the issue. Some in Russia, China and other nations suspect the U.S. of using the Net to sow discontent and launch spying and military attacks.

For many technology companies, and for activists who are helping dissidents, the worst-case scenario now would be a split in the structural underpinnings of the Internet. In theory, the electronic packets that make up an email or Web session could be intercepted and monitored near their origin, or traffic could be subjected to massive firewalls along national boundaries, as is the case in China.

Most technologists view the former scenario as unlikely, at least for many years: the existing Internet protocol is too deeply entrenched, said Milton Mueller, a Syracuse University professor who studies Net governance.

"People who want to 'secede' from that global connectivity will have to introduce costly technical exceptions to do so," Mueller said.

A more immediate prospect is stricter national regulations requiring Internet service providers and others to help monitor, report and censor content, a trend that has already accelerated since the Arab Spring revolts.

Jonathan Zittrain, co-founder of Harvard University's Berkman Center for Internet Society, also predicted more fragmentation at the application level, with countries like China encouraging controllable homegrown alternatives to the likes of Facebook and Twitter.

Zittrain, Mueller and other experts said fans of the open Net have much work to do in Dubai's wake.

They say government and industry officials should not only preach the merits of the existing system, in which various industry-led non-profit

organizations organize the core Internet protocols and procedures, but strive to articulate a better way forward.

"The position we're in now isn't tenable," said James Lewis, a cybersecurity advisor to the White House based at the Center for Strategic and International Studies. "For us to say 'No, it's got be an ad hoc arrangement of non-governmental entities and a nonprofit corporation ... maybe we could get away with that 10 years ago, but it's going to be increasingly hard."

Lewis said the United States needed to concede a greater role for national sovereignty and the U.N., while Mueller said the goal should be a "more globalized, transnational notion of communications governance" that will take decades to achieve.

In the meantime, activists concerned about new regulation can assist by spreading virtual private network technology, which can national controls, Zittrain said.

Backup hosting and distribution could also be key, he said. "We can devise systems for keeping content up amidst filtering or denial-of-service attacks, so that a platform like Twitter can be a genuine choice for someone in China."

#### Changing Images of Instagram TOS Dispute

Instagram is a photo-sharing mobile app which allows users to upload and share photos with family and friends. According to Forbes, more than 100 million people have registered to use Instagram. Facebook bought Instagram earlier this year for \$1 billion, the Washington Post said, and created an Instagram website. Forbes called the concept "creepy," suggesting it would allow strangers to troll through members' photos. Then came the new terms of service.

The TOS term that created the backlash stated, "To help us deliver interesting paid or sponsored content or promotions, you agree that a business or other entity may pay us to display your username, likeness, photos (along with any associated metadata), and/or actions you take, in connection with paid or sponsored content or promotions, without any compensation to you ," article 3 noted.

In other words, Instagram said it could sell user's photos and information to be used in ad campaigns without consulting the user or sharing the take.

Instagram users tweeted their objections to the controversial new TOS. Soon several celebrities jumped aboard the bandwagon, including Pink, Coco Rocha, Natasha Bedingfield, Jordin Sparks and Kim and Khloe Kardashian, the Daily Mail said. Mashable noted other celebrities tweeting their distaste for the new language and promising to drop their accounts included Anderson Copper, Nina Garcia, Seth Green, Mia Farrow and Owl City.

Co-founder Kevin Systrom hit the company blog Wednesday, painting the whole episode as an inadvertent error. He characterized the possibility of Instagram selling user materials as an " interpretation " inconsistent with the company's intent. "To be clear: it is not our intention to sell your photos. We are working on updated language in the terms to make sure this is clear," he said. Instagram never planned for user photos to be

sold for advertising purposes, he said, and insists Instagram isn't taking ownership rights away from those who post their photos there.

### China Tells U.S. It Will Improve Intellectual Property Protection

China told U.S. trade negotiators in Washington on Wednesday that Beijing would do more to protect intellectual property rights and combat piracy by promoting the use of legal software, China's commerce minister told reporters.

Minister Chen Deming said that while Beijing agreed to address those longstanding U.S. complaints, American officials at Wednesday's U.S-China Joint Commission on Commerce and Trade (JCCT) meeting promised to address China's demands for greater exports of U.S. high-technology products and to facilitate more Chinese investment in the United States.

### UK Sets Out Social Media Prosecution Guidelines

British government prosecutors have set out new guidelines to make it harder to bring legal cases against people who send offensive messages on Twitter and Facebook.

The guidelines, published Wednesday, come amid increasing criminal prosecutions against people who post online messages deemed indecent or menacing, and criticism that such cases are a threat to free speech. Civil rights campaigners have complained that British authorities have been too harsh with people who carelessly make insensitive comments online.

"These interim guidelines are intended to strike the right balance between freedom of expression and the need to uphold the criminal law," said Keir Starmer, the director of public prosecutions.

One of the most notorious of such cases was that of Paul Chambers, who was arrested by anti-terrorist police in 2010 a week after he joked on Twitter that he would "blow the airport sky high." He sent the tweet after he was angered that England's Robin Hood airport was closed and his flight was going to be delayed. Chambers was convicted and fined, but this year the High Court overturned his conviction.

Starmer acknowledged that prosecuting Chambers was a wrong "judgment call."

Hundreds of others many young people have been caught out, including a teenager who tweeted Olympic diver Tom Daley to tell him he had let his father down. The teenager was arrested but released with a harassment warning.

The new guidelines seek to draw a line between credible threats of violence, harassment or stalking which will be prosecuted and "the expression of unpopular or unfashionable opinion about serious or trivial matters, or banter or humor, even if distasteful to some and painful to those subjected to it," Starmer added.

Prosecutors should only act on such communications if they are "grossly

offensive," and no prosecution should be brought unless it can be shown to be necessary and proportionate, the guidance said.

The guidance is intended to help public prosecutors decide whether to charge someone or not, as well as give advice to police. The guidelines come into immediate effect and are subject to change after a consultation.

Figures obtained by The Associated Press through a freedom of information request have showed a rising tally of prosecutions in Britain for electronic communications phone calls, emails and social media posts deemed offensive, obscene or menacing from 1,263 in 2009 to 1,843 in 2011.

The number of such convictions grew from 873 in 2009 to 1,286 last year.

#### Facebook Will Fight German Demand To Allow Users To Register with Fake Names

Facebook says it won't comply with a German privacy watchdog's demand to let users register with fake names.

The data protection commissioner of Schleswig-Holstein state issued an order Monday requiring that the social networking site permits pseudonymous accounts.

Thilo Weichert says the California-based company's policy of requiring real names breaches German law and European rules designed to protect free speech online.

Facebook said Tuesday that the order is "without merit, a waste of German taxpayers' money and we will fight it vigorously."

Weichert says his office can impose a penalty against Facebook if it doesn't comply with the order within two weeks.

Facebook says it has more than 20 million active users in Germany.

#### Judge: Newark Must Release Facebook Grant Emails

A judge has ordered Newark Mayor Cory Booker to release internal emails related to a \$100 million grant to the city's schools made by Facebook founder Mark Zuckerberg.

The ruling released Thursday by state Superior Court Judge Rachel Davidson stems from a lawsuit brought by the American Civil Liberties Union on behalf of a group representing Newark schoolchildren. The suit sought greater transparency about who was overseeing the spending of the money.

The Associated Press and other news outlets also have made such requests under the state's Open Public Records Act.

According to Davidson's ruling, the city sought to withhold 36 documents, all of which were emails sent between mid-September 2010 and late June 2011. Booker, Gov. Chris Christie and Zuckerberg announced the grant on Oprah Winfrey's show in September 2010.

In a response letter to an AP request for the documents in 2010, the city said that any communications between Booker and Zuckerberg were "not made in the course of the Mayor's official duties" and therefore were exempt from open-records laws.

Were Booker found to have been acting in his capacity as mayor, the letter continued, the city didn't have the records requested. But it added that if the records were found, their release was barred under executive privilege.

Davidson rejected that argument.

"It is not clear that the executive privilege applies to mayors at all, but even assuming that it does, it does not apply here," the judge wrote. "The executive privilege would apply, for example, to deliberations within Newark about whether to accept the \$100 million donation. Such deliberations are completely absent from the emails. The earliest emails provided date from September 13, 2010, by which time Facebook's commitment to make the donation and Newark's decision to accept it had already been made."

Davidson ordered that some parts of the emails should be redacted to protect individuals' privacy in two cases: Where a private individual was the recipient of an email from a public official, and in one instance where an email between two private citizens was forwarded by one of them to Booker and others in his office.

In both cases, only the email addresses will be redacted but the substance of the emails would be released.

"The City of Newark posed as many legal objections as it could to releasing these emails, which were exchanged by public officials," said Frank Corrado, an attorney working on behalf of the ACLU-NJ in the case. "The judge's ruling repudiated all of their arguments."

Booker's office didn't immediately comment on the ruling Thursday.

#### Wells Fargo Web Site Troubles Persist, U.S. OCC Issues Cyber Alert

Wells Fargo & Co customers on Friday had trouble accessing the bank's Web site for a fourth day, as a federal regulator reiterated the need for banks to have systems in place to ward off cyber attacks.

A spokeswoman for the No. 4 U.S. bank by assets said some customers may have intermittent access to their online banking, although the high volume of traffic that has flooded the site has declined.

"Our technical teams have been working around the clock to ensure our Web site is accessible to our customers," bank spokeswoman Bridget Braxton said. The bank has been posting apologies on its Twitter account.

Since September, a hacker activist group called the Izz ad-Din al-Qassam Cyber Fighters has said it was targeting major banks with so-called denial of service cyber attacks. These attacks can disrupt service by deluging Web sites with high traffic.

On Tuesday, the group said in an Internet posting that it would target the "5 major US banks." In a similar posting last week, it forecast attacks against banks that included PNC Financial Services Group Inc and U.S. Bancorp, which reported some disruptions.

A PNC spokesman on Friday said the bank's systems were operating normally. Spokespersons for Bank of America Corp, JPMorgan Chase & Co and U.S. Bancorp declined to comment. Citigroup Inc could not be immediately reached.

In its alert on Friday, the U.S. Office of the Comptroller of the Currency, which regulates national banks and thrifts, said groups launching denial of service attacks had varying motives, from gaining public attention to diverting the attention of banks while launching simultaneous attacks to commit fraud or steal proprietary information.

"Banks need to have a heightened sense of awareness regarding these attacks and employ appropriate resources to identify and mitigate the associated risks," the alert said.

Banks should have sufficient staffing during attacks, work with third-party providers and share information with other banks, the OCC said.

Of five major banks, Wells Fargo on Friday had spurred the most complaints from users about access problems, according to the Web site SiteDown.co, which tracks customer reports. It listed 576 "downtime reports" in the past 24 hours.

Wells Fargo says it has 21 million active online banking customers.

## Google Rules Out Gmail and Drive Apps for Windows 8

Google has revealed that it has no plans to develop dedicated apps for Windows 8 or Windows Phone 8 for its business app products such as Gmail or Drive.

Speaking to V3, the firm's product management director at Google Apps, Clay Bavor, said that due to what it sees as a lack of interest from its clients on the systems, it is holding back on any work at present.

"We have no plans to build out Windows apps. We are very careful about where we invest and will go where the users are but they are not on Windows Phone or Windows 8," he said.

"If that changes, we would invest there, of course."

Instead Bavor said the firm was committed to continually improving and updating its iOS and Android products.

Google product management director of Google Apps Clay Bavor "In 2012 we've laid some of the ground work and really improved the experience of our core apps on mobile devices, such as adding native editing of spreadsheets for both iOS and Android apps," he said.

"We really see these as the first versions of our mobile experience, though, so we will continue to make big investments in mobile in 2013

with the goal of having beautiful mobile apps."

Google is determined to make this push around its enterprise offerings as the demand for mobility continues to rocket and the use of cloud systems become an accepted way of working.

"Cloud is no longer a mystery. Almost every company we talk to is going through a monumental change where everyone is using not just one or two devices but sometimes as many as five with tablets, laptops, smartphones and desktop machines," said Bavor.

"The only way you can really provide a user experience that fits this is by using a cloud architecture, so staff can get data on all devices and ensure applications are up to date."

Despite the growing push to the cloud, issues around reliability and availability can still cause headaches, as was witnessed on Monday when both Drive and Gmail dropped offline for around 30 minutes, causing outrage from users.

Bavor said the firm was "less than happy" about the situation and it was "all hands on deck" as it worked to determine the cause.

"People run their lives on our products so we hold ourselves to very high standards. so we are never happy with any sort of issues and we aim to do better," he added.

Google has since revealed a software update for its load balancers contained code that caused its systems to "incorrectly interpret a portion of Google datacenters as being unavailable".

This caused some services such as Gmail and Drive to go offline, but the system was able to keep others including Maps and Search online.

The importance of the business market to Google was recently outlined by its UK head of enterprise Thomas Davies in a recent interview with V3 on its ongoing push around big data and collaboration that it sees as key offerings for firms of all sizes.

### Chatwing Introduces Web Chat Widget with Multiple Functions

Chatwing Dev Team released the new version of its chat widget, complete with new features that can accomplish lots of goals. The Chatwing chat tool was created to improve the online visibility of any website. Apart from that, it can help an online marketer reach groups of people within the least possible time.

Social network expansion is one of the key functions of the Chatwing chat box. The chat tool allows users to log in with their social media accounts such as Twitter and Facebook. With this option, they can now add new friends and discover other online communities. Facebook gamers have recently visited the Chatwing chatroom, intending to find new gaming buddies and neighbors.

Chatwing's shout box improves a website's visibility by creating a stream of communication between people. Website owners can rely on this advantage to know the interests and likes of his visitors. In this way, the website

owner can learn more about his target market. One of the newest features of the Chatwing chatbox is background image embedding. Chatwing admins can now upload background images to make the widget more interesting.

Chatwing Team will continue to bring more developments to the chat application. With this dedication, many people can enjoy conversations with their friends and loved ones. Also, online marketing processes will now become easier with the help of the Chatwing chat app.

#### EFF Patent Project Gets Half-Million-Dollar Boost

America's broken patent system needs major reform to protect innovators and the public. Today, the Electronic Frontier Foundation (EFF) is announcing a major new boost to its patent work: a half-million dollars in funding from entrepreneur Mark Cuban and game developer Markus "Notch" Persson.

"The current state of patents and patent litigation in this country is shameful," said Cuban, owner of the Dallas Mavericks. "Silly patent lawsuits force prices to go up while competition and innovation suffer. That's bad for consumers and bad for business. It's time to fix our broken system, and EFF can help. So that's why part of my donation funds a new title for EFF Staff Attorney Julie Samuels: 'The Mark Cuban Chair to Eliminate Stupid Patents'."

Cuban's \$250,000 donation also funds the hire of a new attorney experienced in patent reform and high profile patent litigation: Daniel Nazer, who will join EFF in January as a Staff Attorney. The rest of EFF's seasoned intellectual property team includes Intellectual Property Director Corynne McSherry, Senior Staff Attorney Kurt Opsahl, and Staff Attorney Mitch Stoltz. The team is also assisted by EFF fellows Michael Barclay and Jason Schultz.

Persson's separate donation of \$250,000 cements EFF's ability to tackle the systemic problems with software patents. With a blend of lawyers, technologists, and activists, EFF will push for reform in the courts, through activism campaigns, and by educating the public and politicians about what is wrong with software patents and what needs to change.

"Temporary fixes aren't good enough we need deep and meaningful reform to protect software development and keep it as free and democratic as possible," said Persson, creator of the popular videogame Minecraft. "New games and other technological tools come from improving on old things and making them better an iterative process that the current patent environment could shut down entirely. This is a dangerous path we're on, and I'm glad to help EFF move us in the right direction."

EFF's Defend Innovation project is already at the forefront of patent reform. Defend Innovation promotes seven fixes for America's patent system, including shortening the term for software patents, allowing winning parties in litigation to recover fees and costs, and protecting inventors who independently arrive at a patented idea. Defend Innovation joins EFF's other longstanding work in the patent space, such as its Patent Busting Project and its involvement in patent litigation.

"Patent controversies dominated technology news this year, and now more than ever, it's clear that something needs to change," said EFF Executive

Director Shari Steele. "We are so honored that these two inventors came to us separately with their contributions and their confidence, and we're excited about fixing software patents."

#### Buying Your Own Botnet Costs As Little As \$250

Botnets used to be the exclusive domain of high-powered hackers looking to rake in cash from spam operations or to conduct highly effective DDoS attacks. But now Symantec has found that botnets are increasingly becoming available to less sophisticated hacker wannabes and are being sold for as little as \$250.

After trolling around on some of the darker corners of the Internet, Symantec researchers stumbled upon a seller marketing a Zeus Fully Setup Botnet + Bulletproof Hosting for \$250 that includes source code, binaries, user guides and a control panel. Symantec also found other purported botnets on sale for as much as \$1,000, although the firm believes that at least some of these advertised botnets are scams.

Even so, the company says the rise of for-sale botnets is significant because previously, it was necessary to be a member of an exclusive community to purchase these files, but it appears that it is now getting easier.

=~==~==

Atari Online News, Etc. is a weekly publication covering the entire Atari community. Reprint permission is granted, unless otherwise noted at the beginning of any article, to Atari user groups and not for profit publications only under the following terms: articles must remain unedited and include the issue number and author at the top of each article reprinted. Other reprints granted upon approval of request. Send requests to: [dpj@atarinews.org](mailto:dpj@atarinews.org)

No issue of Atari Online News, Etc. may be included on any commercial media, nor uploaded or transmitted to any commercial online service or internet site, in whole or in part, by any agent or means, without the expressed consent or permission from the Publisher or Editor of Atari Online News, Etc.

Opinions presented herein are those of the individual authors and do not necessarily reflect those of the staff, or of the publishers. All material herein is believed to be accurate at the time of publishing.